G.R.S. IX—5]

Previous references. 1920. File No. 45-20.

(Legs.) Serial Nos. |

Later references.

PRESERVED

50

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. |

Part B for January 1923.

SUBJECT No. 72.

Amendment of the Mysore Probate Administrators' Regulations.

(Action taken in Legis 23 of 1919.)

Printed on the Multigraph.

Nagar Hosan
27/1/23.

G. R. S. 11] 191 .

GENERAL AND REVENUE SECRETARIAT.

(Legis.)

NOTES.

File No. 45-20

FILE HEADING.

Amendment of the Mayore Probate Administrators' Regulation

From

The Dy. Comr. Hassan Dt.

No. C 764 Dated 19. 10. 20. Received 21. 10. 20.

Diary No.	Enclos: / Spare Copies. -	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards a copy of letter of 12.10.1920 from Lt. Col. W. L. Crawford, R. A. Member, explaining the lines on which he wants to discuss at the ensuing Benara Representative Assembly General Subject: No. 31 Re: amendment of the Mayore Probate Administrators' Regulation

NOTES AND ORDERS.

Asstt. Secy. Both.

Please submit to Member with references. (Sd.) Chief Secy.

Please put up references at once. (Sd.) P. 22.

NOTES—First Sheet.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted

Probably the member means ~~refers to~~ the Succession Certificate Act when he ~~says~~ refers to the Succession Duty Act (both Indian & Mysore.) as there is no Act by that name. It is not known from the available ~~source~~ reference to the Indian Act passed till the close of 1919 when the amendment to the said Act was passed in Br. India. The ~~Old Act~~ British Indian Act available is post up. The Corresponding Mysore Regulations also is post up. Sec 9 in both the Regulations ~~does~~ deals with the Grants in point. A copy of the Regulation No VI of 1914 (Mysore) for the grant of Probate of wills & Letters of Administration to Estates of deceased persons' is also post up

There is no other reference on the Subject

Subd.

22.10.20. (V) No point is needed. No member wants that the Provisions requiring the Executor to furnish accounts should be done away with as in B. India.

I wanted the Officers to note the points among

Mysore Code Regl. p. 104

Succession Certificate Act 1889 page 141

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

S. Moghe
Mysore Regn (VI of 1914)

3

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

under the new Act as
B-Sudra (vide marginal
note in the Hd. Subject
no: 83). This shd be
attended to as soon as
D.M.
22/10

No Amending Act
shd be required.
D.M.
1/11/10

3)

Subd.
Vol V of
Unrepealed Acts of the Governor General
of India are not available in the Collections
taken here. Vol. V - Contains the Acts passed
in 1903 & the Calcutt Probate Act in
British India is said to have been
passed in 1903 (ascertained from the
Index.) ~~There is no reference~~ It is not
ascertainable from any reference
the when the new Amendment was
passed. The Mysore Regulation dated
1914 & there seems to be no difference

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

in the particular section (76). between the two. Since the copy of the British Ind. Act, 1903, is not available here, I have written to the Headquarters for a copy. However, the index is not of any help in giving out any clue to any amendment passed after 1903. in

4) Mrs M. Rao will please find out so much up the papers today.

23/10/60

Shall be thankful in person if met. D. M. 23/10/60

G.

tes.

[T) ... amend- not intended for permanent record.]

ments of the Trustee Act ... after 1925?

2) What is the exact meaning of the expression "Crown" in this Act and the Crown Suits Act, 1865?

5) The Act has subsequently been amended by 12 of 1891, 2 of 1890, of 1902, 8 of 1903 & of 1914.

The Act as amended (print up. (Civil pp 129 to 817 of the Civil Court manual print up)

References to administration Bonds is only found in S. 256. Act. The section as amended by security bonds are required only in letters of administration cases & are done away with in Probate cases.

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

It is on this point that we are amending the Act—as applied to Mysore (more likely file).

If this is what is ~~before~~ urged by Mr. Crawford action has already been taken

~~It~~ there is no doubt as succession Duty Act as stands Mr Crawford's note

If approved ~~the~~ Mr. ~~Crai~~ the D. C Hassan may be addressed to ~~[illegible]~~ Crawford who can exactly be referred to

Secy 13/12 88

Yr. Please put up suitable as Draft statin action that is being taken by D. i

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft. Issued

Issues.

Issued No. C. 12339, Dt. 23-12-20.

Secretary, NO R. O. C 5-20

Dt. C

Q 16th June 1921

With reference to the C. O. letter forwarding for

letter from Col Crawford, suggesting

the amendment of S. 7 B. Bd

Provincial

& Administration Reps.

Subject.

The amendment

suggested by Col. Crawford

is an effective to do away

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

with the requirement of Security bonds in Probate cases, & to require only personal securities in letters of Administration cases. S. 76 of our Regn corresponds to S. 78 of the Indian Act V of 1881 & that section has not been amended in British India. As the section stands at present the requirement of bonds in Probate cases is left to the option of the Judge.

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. III-2]

15269

9

General and Revenue Secretariat. | File No. of 19 .

Serial No.

Further the Probate Regn. applies only to those to whom the Indian Succession Act does not apply. i.e to Hindus, Muhammedans, Buddhists & Native Xians who are exempted under S. 332 of Indian Succession Act 1865. Hence the Probate Regn. does not seem to apply to Col. Crawford & people of his race.

Anyhow Col. Crawford's suggestion does not affect the Succession Act & the amendment to that Act put up in the linked file may perhaps be taken on hand.

Submd for orders. Mr Crawford's original letter of 12-10-20 did not refer to the Probate Regn at all

Reg C

21/1/21

23/1

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

10) What exactly Mrs Crawford wants is now clear from his letter. She wants an amendment of S. 76 of Regn VI of 1914 so as to fetter the discretion of the Judge as regards custody.

(1) Your attn is invited to the preamble to Regn VI of 1914 which shows that the Regn provides for those to whom the Guardians and Wards Act of 1865 does not ordinarily apply.

(2) S. 20 of the Regn further makes it clear.

(3) Regn VI of 1914 therefore applies to Hindoos Sikhs and not to Mrs Crawford & people of his race.

(4) Again S. 76 of Regn VI of 1914 is based on S. 78 of Act V of 1881. Since 1881 amendments have been made by Act VI of 1889
" II of 1890
" VI of 1900
" VIII of 1903 } x

x vide p. 340 of Imperial Gaz. Vol. II, Burma

and S. 78 has not been affected by the above amendments.

11) Mrs Crawford's proposal is to make an amendment which has not been effected in B. India in as Regn which is not applicable to people of his class.

This may perhaps be pointed out to him

NOTE—Contn. sheet.

15269 (17

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19 .

Serial No.

in no nice reply.

12) Case refers is now invited to the linked file (Deptl 43 of 19) in which action has already been taken to amend S. 256 of the Indn Succession Act as applied to Mysore with a view to bring it into line with the law in B-India. The consent of the Residency was been obtained & it would have been introduced at the last meeting of the L.C. but for the element of doubt attaching to Mrs Crawford's proposals

13) Now that the point has been made clear there is seems to be nothing to prevent further action being taken, and if approved the Bill which is ready will be included in the Agenda of the next meeting.

Submitted for orders

D. M. 8/3

III Member -

14) The point raised may be considered.

9/3.

5224 9.3.21

U. O. No 52 dated 10-3-21 (15)

9 10-3-21.

Forwarded U.O. with compliments to the Govt Advocate for favour of opinion.

B. O. Dharadwaj for Secy to Govt Revenue 10/3/21

× vide Chief Secy's order on the margin of the 6th Deptl as of the last meeting H. T.

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat. | File No. | of 19

Serial No.

U.C. 89/07 | 1920-21

11.3.1921

GEN & REV. S.
Ch Sec Rec'd
11 MAR 1921
8868

46)

The amendment to Sec 256 of the Indian Succession act X of 1865 as introduced into my case was suggested to meet the wishes of Lt Col Crawford as expressed in his letter of the 21st Nov: 1919. Before the matter could be taken up in the Leg: Council he sent another letter dated 12th Oct: 1920 in which what he precisely wanted was not clearly expressed: He has now made it clear in his letter of the 5th January 1921, and as I understand it he wants an amendment to Sec 76 of the Probate & adm: Reg: VI of 1914 — a proposal very different from that made by him in his first letter of the 21st Nov: 1919 on which action till now has been taken. Sec 76 of our Probate Reg: corresponds to Sec 78 of the Probate & adm: act V of 1881 in force in British India & this Section Embodies the provision of Sec 256 of the Indian Succession act X of 1865 with an alteration Expressly giving the Court a discretion to take a bond from an Executor upon Probate being granted to him. Lt Col Crawford's

NOTE—Contn. sheet.

15269.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19 .

Serial No.

present proposal is to bring Sec 76 of our Probate Regn: on a line with Sec 256 of the Succession act as now proposed to be amended. The optional provision for the execution of a bond by the Executor in the Probate act was made on the ground "that amongst the classes to which this act applied cases would occasionally occur in which it would be expedient to take a ~~bond~~ security bond from Executors" — See para 5 of the Objects & Reasons of the Probate & admn: act V of 1881.

7) I do not think it is desirable to do away with this discretionary & salutary provision in the Sec 76 of the Probate & admn: Regn: VI of 1914

10.3.21

Solicitor

8) Subd with the opinion of

To

3rd member

1267/11-3-21

9) The points may be explained to Mr Crawford & after his reply is received we may proceed with the amendments of the Probate Succession

NOTE—Contn. sheet.

10) Draft P.M. 12/3

12/3.

G. R. S. III-21

1526

General and Revenue Secretariat. | File No. | of 19 .

Serial No.

21)

Draft Ended for above

Rec'd 17.3.

Sec

Tlp/3. Rev: secy

D. M. 14/3

5357
17-3-21

3rd member. 4pp

16-3-21.

D. M. 16/3

17/3.

9/3) Secy

D. M. 18/3

SECRETARIAT
PROTECTION BRANCH
14 APR 1921

Issued no. G. 18472. Dt. 2-4-21.

NOTE—Contn. sheet.

15

25-211

24) Oct-1921

SUBJECT No. 72.

Amendment of the Mysore Probate Administrators' Regulation.

Lt.-Col. W. L. Crawford, South Mysore European Planters' Association.

With regard to the amendment under reference, I understand that it is to be brought up at the next meeting of the Legislative Council and I beg to thank Government for the same.

Dewan.—Will be considered.

25) As the representation of Col. Crawford was against the subject is still under correspondence with the D.C Hassan. If approved, this will be placed in the file

Secy
20/7/21

26) Remain in the matter with D.C

D.M.
10/8

Secy)

27) draft reminder submitted

Secy
12/8

28) Secy
D.M.

Rem no 938 dt 13/8/21

Approved.

874

G. R. S. III-2.

General and Revenue Secretariat. | Legs' File No. of 19

Serial No.

Pointers reply to reminder destroyed.

Letter No. 520/K.C. of 24-8-21 from the Dy. Commr. Kasaragod stating that on receipt of reply from Lt. Col. Crawford a further communication will be made

24) Subm. for perusal.

Dy 31/8/21

Dcg 31/8/21

Letter No 5.20/K.C. of 30th Aug 1921 from the K.C Kasaragod forwards copy of Lt. Col. Crawford's letter stating that executors should not be compelled to get Solvency certificates that their bonds should be sufficient.

26) From the present communication it is clear that what Mrs Crawford wants is that the amendment of the Probate Regn. so that Executors may not be compelled to get Surety.

31) As S. 76 of Regn. VI of 1914 stands at present

NOTE—Contn. sheet.

Serial No.

it is left to the discretion of the Dt. Judge to require a bond with surety from the executors or not. The law in British India is also the same. In this ~~kind~~ connection kind reference is invited to the Govt. Advocate's remarks in para 16 supra that it is not desirable to do away with this discretionary provision.

3) Further the Probate Regulation applies to Hindus etc ~~those~~ exempted from the Operation of the Indian Succession Act. The latter Act applies to Lt Col. Crawford & his community. S. 256 of the Succession Act is proposed to be amended so that security bonds can be demanded only in letters of Administration ~~Regn~~ Cases. (vide linked file).

3a) Lt. Co's for orders if S. 76 of the Probate Regn. has also to be amended in the same way

G. R. S. III-2

General and Revenue Secretariat.

Legs File No. 45 of 19 20.

Serial No.

is required by Lt Col. Crawford -

34) If approved further action will be taken in respect of the Bill to amend the Succession Act -

Submitted for orders.

(803) 8/9/21

7/9/21 (3rd Member) 8/9/21

7/9/21

35) Yes with 12/9

19 SEP 1923

36) Action taken in Legs 1923-19

NOTE—Contn. sheet.

No. C.744

Office of the DeputyCommissioner,
Hassan District,
Dated Camp Mysore, 19th October 1920.

By hand
20.10.20

From

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner, Hassan District.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Secretary
Probe
Please submit
to member
with reference.
CM
21/10

Sir,

In continuation of my letter No.5-20 dated 18th August 1920 I have the honour to forward herewith for information, a copy of a letter dated the 12th instant from Lt. Col. W.L. Crawford, Dusserah Representative Assembly Member, explaining the lines on which he wants to discuss at the ensuing Dasara Representative Assembly GeneralSubject No.31 re: amendment of the Mysore Probate Administrators' Regulation.

Please put up speedily as once
P.M.
21/10

I have the honour to be,

Sir,

Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,
Hassan District.

Letter dated 13th October 1920 from Lt. Col. W. L Crawford, Saklaspur, to the Deputy Commissioner, Hassan District, Camp Mysore.

I have the honour to acknowledge receipt of your No. 5-30/H.C. and reminder C-5-20 of the 9th instant and I must express my regret for the delay there has been in sending you a reply.

The matter had to be referred to the Planters Association and I learn that the notes and papers referring to this matter have been handed to Mr. Nanjundiah, the Member of Council for Hassan by Mr. Anderson.

The following are the chief points, The Indian Succession Duty Act in its amended form as applied to British India lays down that the Executor or Administrator of the WILL has to furnish personal security to the Court from which the Court releases him on his satisfying the Court that he has administrated the Estate properly. The Mysore Succession Duty Act as it now stands is practically the old Indian Act in its unamended form and this not only demands the personal security of the Executor to the full gross value of the Estate, but also demands that the Executor shall find another person to stand surety for him to a like amount. It is having to get this additional security that is not asked for in the amended Indian Succession Duty Act, that is the hardship complained of, as it is very often extremely difficult to get any one to stand security especially if the sum of value of the Estate is large.

The personal security of the Executor should be quite sufficient to safeguard the interests of all concerned, and it is suggested that the Mysore Act be amended to make it unnecessary for the Executor to have to fur-

39

furnish additional security.

"C o py"

B ~ [illegible]

Deputy Commissioner,
Hassan District.

C. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 23.12.20

Signed by Mr G.A.

Section

File No.

Serial No

No. G. 12339

To

The Dy. Commr.

Hassan

Sir,

With reference to your letter no C. 744 & Camp. Mysore the 19th October 1920, forwarding a copy of the letter of the 12th idem from Lt Col. W. D. Crawford re. the amendment of Succession Duty Act.

over.

I am directed to state that it is not clear to what Act he refers as there is no such Act as "Succession Duty Act either in British India or in the Mysore State. If, as it is evident from his letter Col Crawford refers to the Indian Succession Act of 1865 I am to point out that the Indian Act as amended requires Security bonds only in cases where letters of administration are committed doing away with the bonds in Probate cases A Draft Bill embodying the

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

The amendment as in British India is under the consideration of Govt. ~~and will be placed~~ ~~be~~ I am to request that it may be kindly reported to Govt ~~at an early~~ A/ as to what exactly Col. Crawford wants to be provided for in the proposed legislation.

I have &c.

D. Wills

Secy Rev. Dept.

S&R 18/12

15269

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT.

Rec 5-20 H.C. E/ one

Dated, Hassan, the 18th January 1921

From

GEN & REV. SEC

19 JAN 1921

458

B. VENKOBA RAO, ESQ., B.A.,
Deputy Commissioner,
HASSAN DISTRICT.

To

G. Aravamuda Iyengar, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore. Revenue Department.
B A N G A L O R E

Sir,

With reference to your letter No. G.12339/Legis. dated 23rd December 1920 enquiring as to what Lt. Col. Crawford wants about the amendment of Legislation regarding the Probate and -- letters of Administration, I have the honor to forward herewith copy of Col. Crawford's letter of the 5th current on the subject.

I have the honor to be,

S i r,

Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,
Hassan District.

83

From

B. VENKOBA RAO, Esq., B.A.,

Deputy Commissioner.
HASSAN DISTRICT.

To

G. Aravanuda Iyengar, Esq, B.A., B.L.
Secretary to Government,
Revenue Department,
Bangalore.

Dated 16-1-1921

Despatched

Received

General No. _____
No.

Enclosure No.

Forwarding copy of letter from Lt. Col. Crawford re. the amendment of Legislation about Probate and Letters of Administration.

--- --- --- ---

Letter No. nil. dated 5th January 1921 from Lt. Col. Crawford to the Deputy Commissioner, Hassan District.

I have the honor to acknowledge receipt of your R.O.C.220/20 covering copy of letter from the Revenue Secretary.

May I invite your notice to the Mysore Probate and Administration Regulation 1914, that is Regulation No. VI of 1914. In section 76 it reads thus " Every person to whom letters of administration are granted, if the Judge so direct, any person to whom probate is granted shall give a bond to the Judge of the District Court with one or more surity or surities engaging for the due collection, getting in and administrating the Estate of the deceased, which bond shall be in such form as the Judge from time to time by any special or general order directs."

It is desired to alter this section as follows." No personal security shall be furnished by any Executor named in the will to whom Probate is granted, neither shall he be bound to find a surity, an administrator to whom letters of Administration are granted, his personal security bond should be sufficient."

I trust this makes the matter clear.

" C O P Y "

B Venkoba Rao

Deputy Commissioner,
Hassan District.

RS

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, the *191* .

Date of issue 2-4-21.

Signed by Mr. P. Mahadeyya.

Section Legis.

File No. —

Serial No. —

No. G. 18472

To The Dy. Comrs.

Hassan Dt.

Sir,

I write reference to correspondence ending with your letter no R. O. C 5-20 dt 16-1-21 forwarding a copy of Col Crawford's letter in the matter of amending the Probate and Letters of Administration Regn,

over.

I am directed to state
that S. 76 of the Probate & Admin
Regn., 1914 which is
required to be amended
by Lt. Col Crawford
Corresponds to S. 78
of the Probate and
Administration Act V of 1881
in force in British India.
and that section excludes
the provision of S. 256
of the Indian Succession
Act X of 1865 with
an alteration expressly
giving the court a
discretion to take a
bond from an executor
upon Probate being
granted to him.

In this connection
I am to ~~point out~~ invite attention to the preamble to this Probate & Admin Regn and to point out also to S. 20 of this Regn

that the Probate
Regn applies only to
those to whom the Indian

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Succession Act does not apply, that is, to Hindus, Muhammedans, Buddhists & to Native States. ~~and~~ Persons on the ground that amongst the classes to which the Probate Act applies cases would occasionally occur in which it would be expedient to take a security bond from executors, that the optional provision ~~for the~~ has been made in S. 76 of the Probate Regn. and it does not seem desirable that the discretionary & salutary powers in S. 76 of the Probate & Admin. Regn of 1914 should be done away with.

in the probate Act for the execution of a bond by the executor

under the circumstances
I am to request that
the above aspect of
the question may be
explained to Lt Col
Crawford and his views may be communicated
to Hd Qrs Aldershot.
as soon as obtained.

it may be ascertained
if the Curzon
Commission
for the Amendment of the Prob: Forms Regs necessary

D. Harcourt

16.3.21

D 15/3 Dir Recs & Seg

Seg
14/3
AAG
14/3

08562

987a
9

No. 5-20 ee one Office of the Deputy Commissioner,

GEN & REV. SECTT.

5 SEP 1921

Hassan District,

Dated, Hassan the 30th August 1921.

From

B. Venkoba Rao, Esquire, B.L.,

Deputy Commissioner, Hassan District.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Revenue Department,

Bangalore.

Sir,

In continuation of my letter No. 5-20/H.C. dated 25th August 1921 stating that Lt. Col. Crawford's opinion regarding Probate Regulation has not been received etc., I have the honor toforward herewith a copy of his letter dated 29th August 1921 since received wherein he has expressed his views to the effect that Executors as distinguished from Administrators should not be compelled as they invariably are in this District to get one or more to be surety, often, for a large sum of money and that their(executors) bond should be sufficient.

I have the honor to be,

S i r,

Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,

Hassan District.

* Ad-interim reply

To a reminder. Issue required.

From

[illegible], Esquire, B.A.,

Deputy Commissioner,
Hassan District.

To

B. Ramaswamaiya, Esq., B.A., B.L.,
Secretary to Govt. of H.H. the
Maharaja of Mysore, Rev. Deptt.
Bangalore.

Dated

Despatched

Received

General No.
No.

Enclosure No.

Subject.

Submitting the views of Lt.Col. Crawford in-re Probate Regulation.

.....

Letter dated 29th August 1921 from Lt. Col. Crawford to the Deputy Commissioner, Hassan District.

I have the honor to acknowledge receipt of your letter of 24-8-21 and numbered 5/20 H.C. regarding the amendment of the Probate and Letters of Administration.

I have twice before expressed my views on this matter and I do not think in doing so again I will serve any good purpose. It is the duty of the Government to put their Law Officers on to the matter and make the present Law the same as I understand it is in British India, briefly the point is this: Executors as distinguished from Administrators should not be compelled as they invariably are in this District to get one or more to be surety often for a large sum of Money. Their (the executors) bond should be sufficient.

.....

" C o p y "

Deputy Commissioner,
Hassan District.